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PATENT

Attorney Docket No.: DIVER1230-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jay M. Short, et al. Art Unit: 1645
Application No.: 09/902,525 Examiner: Unassigned
Filed: July 9, 2001
Title: ENZYMES HAVING THERMOSTABLE PHOSPHATASE ACTIVITY
AND METHODS OF USE THEREOF

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

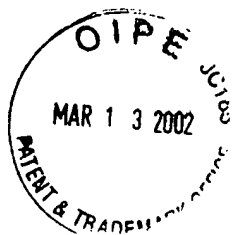
Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed September 4, 2001, enclosed are:

1. One (1) copy of the Notice to File Missing Parts of Nonprovisional Application (2 Pages);
2. One (1) executed Declaration For Patent Application (4 Pages);
3. One (1) Power of Attorney by Assignee (2 Pages);
4. Petition for Four (4) Months Extension of Time (2 Pages);
5. Check No. 502568 in the amount of \$ 2915.00;
6. Change of Attorney Address (1 Page); and
7. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, February 28, 2002, in an envelope addressed to: Box MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231.	
Mary E. Gillette (Name of Person Mailing Paper)	
Mary E. Gillette (Signature)	2/28/2002 (Date)

In re Application of:
Jay M. Short, et al.
Application No.: 09/902,525
Filed: July 9, 2001
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Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

A Response to Sequence Listing is provided under separate cover.


The filing fee has been calculated as follows.

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Large Entity		Small Entity	Large Entity
Total Claims	116-20	=	96	X	\$09	\$18	=	\$ 864.00	\$.00
Independent Claims	21-3	=	18	X	\$42	\$84	=	\$ 756.00	\$.00
Multiple Dependent Claims Presented: <u>X</u> Yes <u> </u> No					\$140	\$280		\$ 140.00	\$.00
					BASIC FEE			\$ 370.00	\$740.00
					TOTAL FEE			\$ 2130.00	\$.00

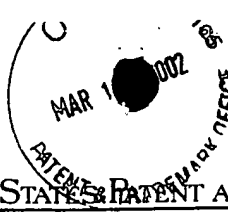
Enclosed is Check No. 502568 in the total amount of \$2915.00; which consists of \$370.00 for the filing fee; \$864.00 for 96 additional total claims over 20 claims; \$756.00 for 18 additional independent claims over 3 independent claims, \$140.00 for the presentation of multiple dependent claims, \$65.00 for the surcharge fee and \$720.00 for a Four (4) month extension of time fee. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: 2/28/02


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Registration No. P51,154
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Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/902,525	07/09/2001	Eric Mathur	DIVER1230-2

CONFIRMATION NO. 7453

FORMALITIES LETTER



OC00000006507950

28213
GARY CARY WARE & FRIENDENRICH LLP
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Date Mailed: 09/04/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/02/2002 MBERHE 00000017 09902525

FILED UNDER 37 CFR 1.53(b)

01 FC:203
02 FC:998

846.00 OP
18.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- o Total additional claim fee(s) for this application is \$1701.

<ul style="list-style-type: none"> □ \$846 for 94 total claims over 20. □ \$720 for 18 independent claims over 3. □ \$135 for multiple dependent claim surcharge. 	03/18/2002 MBERHE 00000017 09902525 01 FC:201 370.00 OP 02 FC:205 65.00 OP 03 FC:203 864.00 OP 04 FC:202 756.00 OP 05 FC:204 140.00 OP
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- o The oath or declaration is unsigned.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- o The balance due by applicant is \$ 2121.
- o This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be

Adjustment date: 04/02/2002 MBERHE
03/18/2002 MBERHE 00000017 09902525
03 FC:203 -864.00 OP

submitted in lieu of a new CRF.



For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

A handwritten signature in cursive script, appearing to read "Man".

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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